

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,696	10/31/2001	Donald Davies	2190/49927	8654
23911	7590 12/30/200		EXAMINER	
	& MORING LLP	N. ID	MARVICE	I, MARIA
P.O. BOX 14	TUAL PROPERTY GI 1300	ООР	ART UNIT PAPER NUMBER	
WASHINGTON, DC 20044-4300			1636	
			DATE MAILED: 12/30/200	2

Please find below and/or attached an Office communication concerning this application or proceeding.

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. a) The translation of the foreign language provisional application has been received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. Attachment(s) Notice of References Cited (PTO-892)		Application No.	Applicant(s)				
Maria B Marvich, PhD 1836 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address = Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE of FISS COMMUNICATION. If the MAILING DATE of FISS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE date of the contraction of the	Office Action Commen	09/869,696	DAVIES, DONALD				
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Application/Control Number: 09/869,696

Art Unit: 1636

DETAILED ACTION

This office action is in response to a Response to a Restriction Requirement. Claims 41-85 are pending.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 41-82 and 84-85, drawn to a method and composition for treating cancer comprising administering a vector encoding p450 and acetaminophen.

Group II, claim 83, drawn to a method of treating cancer comprising administering acetaminophen.

The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The technical feature of the invention that meets the definition of a "special technical feature" or that contribution which each of the invention considered as a whole makes over the prior art can be considered to be a vector encoding p450 in combination with acetaminophen as the composition claims do not involve cell killing. Group II does not use the special technical feature.

MPEP 1875.01(d) states "If multiple products, processes of manufacture or uses are claimed, the first invention of each of the other categories related thereto will be considered as the main invention in the claims, see PCT Article 17(3)(a) and 1.476(c)."

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Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Maria B Marvich, PhD whose telephone number is (703) 605-

1207. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Remy Yucel, PhD can be reached on (703) 305-1998. The fax phone numbers for

the organization where this application or proceeding is assigned are (703) 308-4242 for regular

communications and (703) 305-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the patent analyst, Zeta Adams, whose telephone number is (703) 305-

3291.

Maria B Marvich, PhD

Page 3

Examiner

Art Unit 1636

New address of January 16, 2004

Remsen Building 12B84

571-272-0774

December 20, 2003

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 1600